

SENATE No. 75

The Commonwealth of Massachusetts

PRESENTED BY:

Richard R. Tisei

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act protecting disabled persons from financial exploitation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard R. Tisei	Middlesex and Essex
Bruce E. Tarr	First Essex and Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Robert L. Hedlund	Plymouth and Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00118 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROTECTING DISABLED PERSONS FROM FINANCIAL EXPLOITATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 19C of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by inserting after the words "disabled person," in line 4, the
3 following words:- or financial exploitation of a disabled person.

4 SECTION 2. Said section 1 is hereby further amended by inserting the following definition:-

5 "Financial exploitation", an act or omission by a caretaker, which causes a substantial monetary
6 or property loss to a disabled person, or causes a substantial monetary or property gain to a
7 caretaker, which gain would otherwise benefit the disabled person but for the act or omission of
8 such caretaker; provided, however, that such an act or omission shall not be construed as
9 financial exploitation if the disabled person has knowingly consented to such act or omission
10 unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of
11 force by such caretaker; and, provided further, that financial exploitation shall not be construed
12 to interfere with or prohibit a bona fide gift by a disabled person or to apply to any act or practice
13 in the conduct of any trade or commerce declared unlawful by section 2 of chapter 93 A of the
14 General Laws.

15

16